

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 238/2003

Tuesday, this the 25th day of March, 2003..

CORAM :

HON'BLE SHRI T.N.T. NAYAR, ADMINISTRATIVE MEMBER
HON'BLE SHRI K.V. SACHIDANANDAN, ADMINISTRATIVE MEMBER

Molykutty G, W/o John,
Part Time Sweeper at
Pooyappally Post Office,
residing at Peedikayil House,
Pooyappally P.O.,
Kottarakara. ... Applicant

(By Advocate Mr. P.C. Sebastian)

Vs

1. The Assistant Superintendent of Post Offices, Kollam South Sub Division, Kollam-1.
2. The Chief Postmaster General, Kerala Circle, Thiruvananthapuram.
3. The Union of India, rep. by its Secretary, Ministry of Communications, Department of Posts, New Delhi. ... Respondents

(By Mr. N. Mahesh, ACGSC)

The application having been heard on the 25.3.2003, the Tribunal on the same day delivered the following :

ORDER

HON'BLE SHRI T.N.T. NAYAR, ADMINISTRATIVE MEMBER

This applicant claims to be a Part Time Sweeper continuously engaged since 1.9.1993 in the Pooyappally Post Office under the Kollam Division. Though no formal appointment order had been issued to her as Part Time Sweeper, she has been continuously working and according to her, there are records including attendance register available in the Pooyappally Post Office to corroborate her claim. The applicant claims to have submitted an application(Annexure A5) for the post GDS Mail Packer at Oyur Post Office in the same Division in response to

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Annexure A4 notice. However, the 1st respondent is stated to have refused to accept the same and informed the applicant that she would not be considered for appointment as GDS Mail Packer, Oyur Post Office for want of formal appointment order as Part Time Casual Labourer. Therefore the applicant has sent the application to the 1st respondent under registered post on 22.3.2003. The applicant is aggrieved by the refusal on the part of the 1st respondent to consider her candidature for appointment to the above post. The applicant has come up with this OA seeking the following reliefs :-

- (i) to declare that applicant is a regular casual labourer eligible and entitled to the benefits of Annexure A1 and A2 instructions;
- (ii) to direct the 1st respondent to consider applicant's claim for appointment in the existing vacancy of GDS Mail Packer, Oyur in terms of Annexure A1 and A2 treating her as a regularly working casual labourer at Pooyappally P.O. with due weightage to her seniority and experience;
- (iii) to grant such other relief which may be prayed for and which this Hon'ble Tribunal may deem fit and proper to grant in the facts and circumstances of the case.

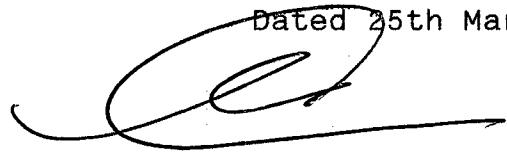
2. When the matter came up for hearing on admission, Shri N. Mahesh, ACGSC took notice on behalf of respondents. According to him, as per the instructions received from the respondents, the applicant's claim would also be considered along with all other eligible casual employees and having regard to the case for appointment on transfer and other eligibility norms. Shri P.C. Sebastian, the learned counsel for the applicant would state that the applicant would be satisfied if her case is considered in accordance with the norms as reflected in Annexure A4 notice dated 7.3.2003. The learned counsel for the respondents has no objection to the disposal of the Original Application with a direction to the respondents to consider the applicant's application for the post of GDS Mail Packer, Oyur Post Office in terms of Annexure A4 notice and on the basis of Annexure A5 application said to have been made by her. However, if no such

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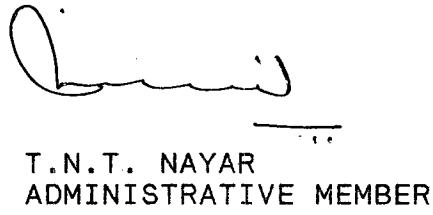
application has reached or is traceable in the office of the 1st respondent, a copy shall be immediately made available to the office of the 1st respondent by the applicant within 5 days from today in which case respondents shall consider such application.

3. On a consideration of the above submissions by the counsel on either side, we dispose of this application directing the 1st respondent to take action on the applicant's candidature in the light of Annexure A5 application or a copy thereof as aforesaid and in accordance with Annexure A4 notice and also in the light of records available in the Pooyappally Post Office in relation to the part time service rendered by the applicant, and if the applicant is found suitable otherwise, issue orders in her favour in accordance with the extant rules, instructions and orders on the subject. No order as to costs.

Dated 25th March, 2003.



K.V. SACHIDANANDAN
JUDICIAL MEMBER



T.N.T. NAYAR
ADMINISTRATIVE MEMBER

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